

Sri H. V. KOUJALGI.—I do not accept the amendment.

Sri M. S. KRISHNAN.—I press for the amendment.

Mr. DEPUTY SPEAKER.—The question is :

“That in the proposed Section 51A, the words ‘Controller or any other Officer authorised by’ shall be deleted.”

*The amendment was negatived.*

Mr. DEPUTY SPEAKER.—The question is :

“That Clauses 8 and 9 do stand part of the Bill.”

*The motion was adopted.*

Clauses 8 and 9 were added to the Bill.

#### CLAUSE 1, ETC

Mr. DEPUTY SPEAKER.—The question is:

“That Clause 1, the Long Title and the Enacting formula do stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Long Title and the Enacting formula were added to the Bill.

*Motion to pass.*

Sri H. V. KOUJALGI.—Sir, I move :

“That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Mysore Legislative Council, and as amended be passed.”

Mr. DEPUTY SPEAKER.—The question is :

“That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Mysore Legislative Council and as amended be passed.”

*The motion was adopted.*

4-30 P. M

[ MR. SPEAKER in the Chair ]

**Mysore Shops and Commercial Establishments (Amendment) Bill, 1968**  
**(as passed by the Legislative Council)**

*Motion to Consider*

**SRI K. PUTTASWAMY** (Minister for Law, Labour and Parliamentary Affairs).—Sir, I beg to move :

“That the Mysore Shops and Commercial Establishments (Amendment) Bill, 1968, as passed by the Legislative Council, be taken into consideration.”

**MR. SPEAKER.**—The question is :

“That the Mysore Shops and Commercial Establishments (Amendment) Bill, 1968 as passed by the Legislative Council, be taken into consideration.”

† **SRI K. PUTTASWAMY.**—Sir, this Bill has already been passed by the Legislative Council and the Bill proposes to provide for supervision of the work of Labour Inspectors who are appointed as Inspectors under the Mysore Shops and Commercial Establishments Act, 1961, by the Assistant Labour Commissioners and the Labour Officers. This cannot be done unless the Assistant Labour Commissioners and Labour Officers are also made Inspectors under the said Act. There is no provision for the appointment of the Additional Inspectors under the Act, and it is proposed to provide for such appointments.

The Mysore Maternity Benefit Act, 1959 has been repealed and the Maternity Benefit Act, 1961 (Central Act 53 of 1961) has been brought into force. It is therefore necessary to amend Chapter V of the Act suitably. I do not think there is any necessity to add anything more to the Statement of Objects and Reasons and I request that the Bill be taken into consideration by this House.

**MR. SPEAKER.**—Although hon. Member Mr. Krishnan has given notice of amendments to this Bill, if he wants, he may speak on the Bill.

† **SRI M. S. KRISHNAN.**—Sir, the Hon. Minister was pleased to state the objects and reasons for bringing this Bill. As far as the appointment of Inspectors is concerned, I have nothing to say. It is a very good provision and is also very necessary. But, I would like to bring to the notice of the Hon. Minister, in this connection, that at present, the Inspectorate of the Shops and Commercial Establishments has been rather very poor in enforcing the law. Of course, I would have an opportunity to say more when I would speak on the Labour Department during the budget session on this aspect. But now, since an amendment Bill has come up before this House for consideration, I must

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point out that the Labour Inspectors under the Shops and Commercial Establishments Act are supposed to enforce many of the enactments applying to the shops and commercial employees. But unfortunately, what has happened in our State is that there are hundreds of complaints in regard to the enforcement of these enactments. This has been brought to the notice of the concerned Departmental Heads as also to the Government, both collectively and individually. But everytime assurances are being held out that the Inspectorate will be strengthened and more effective steps would be taken to check corruption which exists on a large scale, if not done away with completely. I know, it is very difficult and probably impossible to do away with the corruption in its entirety, but at the same time, checks and counter-checks will have to be there to see that this Inspectorate does its job properly. I feel, therefore, the appointment of Additional Inspectors as proposed in the Bill, will not alone help the enforcement of the Act. Along with that, there must be a stricter vigilance on the part of the Department and the Government on these Inspectors who are to look after the enforcement of various enactments in this regard. The present position is very unsatisfactory. Let us hope by the present amendment Bill, the position might improve slightly.

Secondly, Sir, I have suggested various amendments to the Bill under consideration. In clause 2, item (ii) proposes that section 23 shall be deleted. Instead, I have suggested that the provisions of the Maternity Benefit Act 1961 (Act 53 of 1961) and the rules made thereunder for the time being in force (including such amendments, if any, as may be made, from time to time) shall *mutatis mutandis* apply to Shops and Commercial Establishments.

The reasons for suggesting this amendment to clause 2 item (ii) are these. Sir, as the Hon' Minister has rightly stated that the Mysore Maternity Benefit Act, 1959 has been repealed and the Maternity Benefit Act, 1961 (Central Act 53 of 1961) has been brought into force. Let me point out the provisions in the Maternity Benefit Act, 1961. Section 2 therein states as under ;

“ 2(1) It applies in the first instance, to every establishment being a factory, mine or plantation including any such establishment belonging to Government :

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.”

Of course, this Act of 1961 applies to our State also. But it envisages that the State Government must get the approval of the Central Government by a notification in Official Gazette, for covering the establishments of industrial, commercial, agricultural or otherwise. Unfortunately to

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my knowledge, no such notification has been issued. The Hon'ble Minister must convince me whether they have asked the Central Government to see that this provision also applies in case of establishments of industrial, commercial, agricultural or otherwise.

Then Sir, when there is no such notification issued by the State Government so far, I think, the implication of removal of section 23 as proposed in the amendment Bill would mean that the very Act itself would not apply. In absence of the notification on the one side, but if there were any notifications to that effect and then this section was proposed to be omitted, I would not have objected to it. Therefore, Sir, if section 23 is omitted the Maternity Benefit Act itself would not apply, unless the Government so chooses at a later date, in its wisdom to see that the Act applies or not, or write to the Central Government for getting their approval for incorporating the Shops and Commercial Establishments Act under the Maternity Benefit Act.

Therefore Sir, I feel, if section 23 is omitted it would work a great hardship to the employees who are already covered by the Maternity Benefit Act. I must add Sir, in this connection, that many women have come to me to get them jobs here and there especially in these commercial and other establishments. When more and more women are seeking employment in these commercial, and other establishments if section 23 is removed or omitted without having a safeguarding clause, the right that they are already enjoying would be taken away. That is why, I suggest that instead of omitting section 23 as proposed, the amendment as proposed by me may be substituted as a safeguard.

As far as you know, labour is a concurrent subject and we also can make some regulations and rules within the frame work. But here what has happened is, you are pleased to ask the Central Government. The position arises wherein the State Government need not approach the Central Government at all and still say that this benefit of the Maternity Benefit Act is given to the employees in the shops and commercial establishments. Such a position would be far better than asking them to go to the Centre or leave it to their whims and fancies. It is with this view that I have brought this amendment. It reads as :

“The provisions of the Maternity Benefit Act 1961 (Act 53 of 1961) and the rules made thereunder for the time being in force) including such amendments if any as may be made from time to time) shall *mutatis mutandis* apply to employers and employees of shops and commercial establishments.”

Then the maternity benefit Act will continue to apply and you need not approach the Centre. Straight away you can introduce any amendment if it is brought by the Centre or this House can just bring any legislation in regard to the particular Act.

In these circumstances, I would say that this suggestion I have made would help all the employees and cover them and also help

the Government to straightaway implement this particular Act in so far as employees are concerned. Thank you very much.

† Sri K. PUTTASWAMY.—Sir, I listened to Sri M. S. Krishnan very carefully. I am sorry to say that all his arguments are beside the point. Sir, he has conceded the necessity of clause 3 of the amending Bill and he only confined his remarks to clause 2. His contention is that the benefit that is now being given to the employees under the Mysore Maternity Benefit Act, 1959 will not be available because the Act has not been brought into force by the issue of the notification. If he had only read the statement of objects and reasons, I am sure, he would not have made these remarks. In the Statement of Objects and Reasons, para 2 clearly says :

“The Mysore Maternity Benefit Act, 1959 has been repealed and the Maternity Benefit Act, 1961 (Central Act 53 of 1961) has been brought into force.”

For repealing that Act, we will have to come before this House. This House has accorded its approval to repeal the Act and the Maternity Benefit Act (Central Act) has been brought into force. Now all the employees are entitled to claim all the benefits under the Maternity Benefit Act, 1961 (Central Act), and therefore there need be no apprehension that the workers would be deprived of the benefit under the Maternity Benefit Act.

Sri M. S. KRISHNAN.—What about clause 2 of the Maternity Benefit Act?

Sri K. PUTTASWAMY.—I am coming to that. Sir, my friend Sri M. S. Krishnan has moved an amendment to clause 2. His amendment seeks to replace the present section 23. The only difference between the present section 23 and his amendment is that the amendment relates to Maternity Benefit Act 1961 (Central Act) and the original section relates to the Mysore Maternity Benefit Act, 1959. Sir, when the Maternity Benefit Act, 1961 is in force here, whatever amendments are effected by the Centre, also come into force and whatever benefit is conferred by these amendments will also be available to the employees under the Maternity Benefit Act, 1961. Therefore, it is not necessary to say that all such amendments as may be made from time to time, will also be applicable.

Sir, I do not think there is any force in the arguments of the Hon. Member Sri M. S. Krishnan in respect of the amendment that he has now proposed. Therefore I submit that this Bill is very necessary and it is not going to curtail any of the benefits that the employees are enjoying and it only seeks to become a consequential amendment, consequent upon the Central Maternity Benefit Act having come into force.

† Sri M. S. KRISHNAN.—I want a clarification from the Hon'ble Minister. I would have very much appreciated what the Hon'ble

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Minister has said if the Maternity Benefit Act applied to all classes. That is why I read out clause 2 which says that it applies to every establishment of a factory, mine or plantation. There is a proviso which says :

“Provided that the State Government may with the approval of the Central Government after giving not less than two months notice published by notification in the official gazette declare that any of the provisions of this Act shall apply to any establishment or class of establishment, industrial or agricultural.”

My submission was whether under this proviso the Central Act has already been brought into force and if so, whether the notification has been issued. Whether it has been gazetted. To my knowledge, nothing like that has happened. If that is not done, the effect of this deletion would be that no benefit would accrue because that is not envisaged under the Act itself. You were pleased to say that the Maternity Benefit Act will take its place and under that they will get the necessary relief. My contention is that the Mysore Maternity Benefit Act will apply only to factory and plantation. On that point, I want clarification.

†SRI K. PUTTASWAMY.—Sir, I pointed out already that the Act has been already brought into force. I take it that what is necessary consequent upon repealing of the Mysore Maternity Benefit Act has been done by the Government. Whether the notification has been issued and if so, on what date—if the hon. Member wants that information, I will supply to him subsequently.

SRI M. S. KRISHNAN.—Sir, it has not been issued. I am sorry, he is trying to escape.

SRI K. PUTTASWAMY.—He should not use such language.

SRI M. S. KRISHNAN.—It is not unparliamentary. The Minister is not answering properly. The Hon. Minister for Parliamentary Affairs is not in the habit of accepting any amendment, even though it is justifiable.

MR. SPEAKER.—I shall put the motion. The question is :

“That the Mysore Shops and Commercial Establishments (Amendment) Bill, 1968, as passed by the Legislative Council be taken into consideration.”

*The motion was adopted.*

#### CLAUSES 2 AND 3

MR. SPEAKER.—I shall put clauses. There is an amendment by Sri M. S. Krishnan to clause 2. He may move it.

Sri M. S. KRISHNAN.—I beg to move :

“ That for item (ii) the following shall be substituted.—

‘ The provisions of the Maternity Benefit Act, 1961 (Act 53 of 1961) and the rules made thereunder for the time being in force (including such amendments if any as may be made from time to time) shall *mutatis mutandis* apply to employers and employees of Shops and Commercial Establishments’.”

Mr. SPEAKER.—Sufficient discussion has been taken over this amendment. I will put it to vote. The question is :

“ That for item (ii) the following shall be substituted.—

‘ The provisions of the Maternity Benefit Act, 1961 Act (53 of 1961) and the rules made thereunder for the time being in force (including such amendments if any as may be made from time to time) shall *mutatis mutandis* apply to employers and employees of Shops and Commercial Establishments’.”

*The amendment was negatived.*

Mr. SPEAKER.—I shall put the clause. The question is :

“ That clauses 2 and 3 do stand part of the Bill. ”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.”

#### CLAUSE 1, ETC

Mr. SPEAKER.—The question is :

“ That clause 1, the Long Title and the Enacting Formula do stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Long Title and the Enacting Formula were added to the Bill.

#### *Motion to pass*

Sri K. PUTTASWAMY.—I beg to move :

“ That the Mysore Shops and Commercial Establishments (Amendment) Bill, 1968, as passed by the Legislative Council, be passed.”

Mr. SPEAKER.—The question is :

“ That the Mysore Shops and Commercial Establishments (Amendment) Bill, 1968, as passed by the Legislative Council, be passed.”

*The motion was adopted.*